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25  
 16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18

19 JASON GRAY, on behalf of himself and  
 20 others similarly situated,

21 Plaintiff,

22 v.

23 CALIFORNIA REDWOOD COMPANY;  
 24 SIMPSON TIMBER COMPANY; and  
 25 DOES 1 to 50, Inclusive,

26 Defendants.

27 No. CV 07-05589 CRB

28 JOINT REPORT PURSUANT TO FED. R.  
 CIV. P. 26(F)

[Superior Court Case No. RG07348848]

1 Defendants California Redwood Company and Simpson Timber Company (together,  
 2 “Defendants”) and Plaintiff Jason Gray (“Plaintiff”) hereby submit this joint report pursuant to  
 3 Rule 26(f) of the Federal Rules of Civil Procedure (concurrently submitted herewith is the  
 4 parties’ Joint Case Management Conference Statement, addressing the matters so ordered by the  
 5 Court). Counsel for the parties held a telephonic meeting and conference on January 30, 2008, at  
 6 which Plaintiff was represented by Eric B. Kingsley, of Kingsley & Kingsley, APC, and  
 7 Defendants were represented by David R. Ongaro, of Perkins Coie LLP.

8 **I. CHANGES TO INITIAL DISCLOSURES [Rule 26(f)(3)(A)]**

9 The parties have agreed to make their initial disclosures, as ordered by the Court, on or  
 10 before February 15, 2008.

11 **II. DISCOVERY ISSUES, TIMING, AND PHASING [Rule 26(f)(3)(B)]**

12 The parties propose that discovery be limited to issues pertinent to class certification, and  
 13 not reach the merits of Plaintiff’s claims, until after the Court’s ruling, in or around December  
 14 2008, on Plaintiff’s anticipated class certification motion. As such, the parties request that  
 15 discovery be phased, with certification discovery constituting the first phase, and merits discovery  
 16 constituting the second phase. The parties propose that each such phase be subject separately to  
 17 the numerical limitations on discovery set out in the Federal Rules of Civil Procedure (e.g., that  
 18 pursuant to Rule 33(a)(1), each party be allowed to serve twenty-five interrogatories as to  
 19 certification, and then a further twenty-five interrogatories as to the merits).

20 **III. ELECTRONICALLY STORED DATA ISSUES [Rule 26(f)(3)(C)]**

21 Where electronically stored information is requested, the parties will, where practicable,  
 22 provide such data in native format. Where such electronically stored information is produced, and  
 23 should the recipient not be able to access the information, the producing party will provide any  
 24 required passwords and otherwise cooperate in assisting the recipient to read and sort the data.

25 **IV. PRIVILEGE AND PROTECTION ISSUES [Rule 26(f)(3)(D)]**

26 Apart from potential trade secret problems and third party privacy and confidentiality  
 27 issues regarding past and present employees of Defendants, the parties do not anticipate  
 28

1 significant privilege problems. The parties will work together to resolve any such issues,  
2 including, if necessary, a proposed stipulated protective order relating to confidentiality.

3 **V. CHANGES TO LIMITATIONS ON DISCOVERY [Rule 26(f)(3)(E)]**

4 Other than as stated above, the parties have not reached any agreements resulting in  
5 discovery limits different from the Federal Rules of Civil Procedure or this Court's Local Rules.

6 Defendants contend that ten seven-hour depositions per side are more than adequate, and  
7 that no relief from the federal rules limitations on the number of interrogatories is necessary  
8 (except that Defendants propose two phased rounds of discovery, as set out in more detail in the  
9 Case Management Conference statement filed contemporaneously herewith).

10 **VI. OTHER ORDERS [Rule 26(f)(3)(F)]**

11 The parties request that the Court allow a procedure whereby, pursuant to stipulation and  
12 order, the page limits applicable to the class certification motion and opposition thereto and any  
13 motion for summary judgment or adjudication and opposition thereto may be altered or enlarged.

14  
15 DATED: February 8, 2008

**PERKINS COIE LLP**

16  
17 By: \_\_\_\_\_  
18 Steven C. Gonzalez,  
19

20 Attorneys for Defendants  
21 California Redwood Company and Simpson  
22 Timber Company

23  
24 DATED: February 8, 2008

**KINGSLEY & KINGSLEY, APC**

25  
26 By: \_\_\_\_\_  
27 Eric B. Kingsley,  
28  
29 Attorneys for Plaintiff  
30 Jason Gray